

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES A. DUFFY,

Plaintiff/Counter-Defendant

Case No. 1:22-cv-124

v.

HONORABLE PAUL L. MALONEY

ENAGON, LLC, TERRANCE L. EBELS,
MARINUEAU, HACKETT, O'NEIL & KLAUS,
and JEFFREY J. KLAUS

Defendants.

and

ENAGON, LLC,

Counter-Plaintiff/Third Party Plaintiff,

v.

JAMES A. DUFFY, DUFFY INVESTMENT
GROUP, LLC, M-61 PROCESSING LLC,
MICHAEL SCHUNK, and LEE SCHUNK,

Counter-Defendant/Third Party Defendants.

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NOTICE OF IMPENDING DISMISSAL

The court records indicate that more than 60 days have passed from the filing of the Third Party Complaint and Third Party Defendants Michael Schunk, Lee Schunk, and M-61 Processing, LLC have not been served. This notice serves to inform Third Party Plaintiff that the action shall be dismissed without prejudice as to Third Party Defendants Michael Schunk, Lee Schunk, and

M-61 Processing, LLC, unless Third Party Plaintiff completes service of process within 90 days after the filing of the complaint, in accordance with FED. R. CIV. P. 4(m).

To avoid dismissal pursuant to Rule 4(m), if more than 90 days are necessary for service of process, counsel must execute a verified petition regarding Service of Process, advising the Court:

- A. That the case should not be dismissed as to the unserved defendant(s);
- B. That the failure to obtain service upon the defendant(s) is not due to the fault of the party or counsel seeking to avoid dismissal;
- C. The reasons why the case against the unserved defendant(s) should not be dismissed, set forth in detail; and
- D. That service will be effected on the defendant(s) within twenty-eight (28) days of the date of the petition.

This petition must be filed with the Court on or before **January 31, 2023**. By executing the petition regarding Service of Process, you need not appear in support thereof until and/or unless so notified by the Court. If the Court is satisfied that the case should not be dismissed as to Third Party Defendants Michael Schunk, Lee Schunk, and M-61 Processing, LLC, you will be so notified. If dismissal of the case as to these defendants is satisfactory to you, no action is required. An Order of Dismissal shall be issued.

Dated: January 5, 2023

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge